

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-3, 6-23, 26-71, 80-83, 91, 93-97, have been canceled without prejudice. New claims 104-120 are added. Claims 4, 5, 24, 25, 72-79, 84-90, 92, and 98-120 are pending in this application.

Applicant makes no representation that cited references are prior art. This response and any remarks or comments included herein are not intended to be, and are not to be interpreted as, an admission that any cited references are prior art. Applicant reserves the right to dispose of any cited reference under 35 U.S.C. §102 and/or 35 U.S.C. §103, including but not limited to antedating any one or more of the cited references.

Allowable Subject Matter

Claims 4, 5, 24, 25, 72-79, 84-90, 92, and 103 stand allowed.

Drawings

Submitted with this response is a replacement drawing sheet for Fig. 5. Fig. 5 has been amended to delete the reference number "570" and replace it with "510". Support for this amendment can be found, for example, in the specification at page 17, lines 20-24.

35 U.S.C. § 103

Claims 98-102 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,744,767 to Chiu et al. (hereinafter "Chiu") in view of U.S. Patent No. 6,209,033 to Datta et al. (hereinafter "Datta"). Applicant respectfully traverses the rejection of claims 98-102, and submits that claims 98-102 are not obvious over Chiu in view of Datta. Nonetheless, in order to expedite allowance of the present application, claim 98 has been amended to recite:

... wherein the request is received from a program running on the computer system that displays, via a graphical user interface (GUI), a projected link utilization illustrating predicted bandwidth usage for a plurality of routers along a first path of a plurality of paths between the first and second media aggregation devices, and wherein the program permits a user to select, via the GUI, the projected link utilization in order to cause the reservation protocol session to be established;

Applicant respectfully submits that, as indicated in the statement of reasons for the indication of allowable subject matter at p. 2 of the November 10, 2009 Final Office Action, such use of a graphical user interface is not disclosed or suggested by the cited references. For at least these reasons, Applicant respectfully submits that amended claim 98 is allowable over Chiu in view of Datta.

Claims 99-102 depend from amended claim 98, and Applicant respectfully submits that claims 99-102 are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in amended claim 98, are neither disclosed nor suggested in the references cited and applied by the Office.

Applicant respectfully requests that the §103 rejections be withdrawn.

New Claims

New claims 104-120 are added. Applicant respectfully submits that new claims 104-120 are allowable over the cited references for at least reasons analogous to the reasons claims 4, 5, 24, 25, 72-79, 84-90, 92, and 98-103 are allowable over the cited references.

Conclusion

All of the claims are in condition for allowance. Accordingly, Applicant requests that the Office issue a Notice of Allowability. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

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